

Tobacco sales and distribution to minors

HB 2460 by Seidlits (Armbrister)

DIGEST:	<p>HB 2460 would have amended Health and Safety Code tobacco sale restrictions to prohibit the distribution and sample distribution of tobacco products to minors under age 18, restrict placement of vending machines to certain public places, revise tobacco warning signage requirements, prohibit the sale of tobacco products in opened or incomplete packages and allow random, unannounced enforcement measures that could use persons under age 18 as decoys.</p> <p>HB 2460 would have preempted local ordinances or rules and would have made it an offense for persons younger than age 18 to possess, purchase or accept tobacco products or to falsely represent to be age 18 or older for the purpose of purchasing tobacco products.</p> <p>HB 2460 also would have required cigarette and other tobacco retailers to pay a permit fee of \$50 and to direct the use of fee revenue to be used for the Texas D.A.R.E. Institute, a tobacco education and awareness grant program of Southwest Texas State University.</p>
GOVERNOR'S REASON FOR VETO:	<p>"HB 2460 preempts local governing bodies from adopting or enforcing any ordinance, rule or regulation concerning the sale, distribution, advertising, display or promotion of cigarettes or tobacco products. Maintaining local control of this issue is in the best interest of the citizens of the State of Texas."</p>
RESPONSE:	<p>Rep. Curtis Seidlits, the author of HB 2460, said: "I am disappointed he vetoed the bill. The veto means that there will be two more years of non-enforcement of prohibitions on sale of tobacco products to minors. This bill would have set up strong penalties and enforcement measures which would have gone a long way to prevent minors' access to tobacco products. It would have put into place similar statewide standards used to prohibit the sale of alcohol to minors. The Legislature pre-empts local control all the time. As I understand the gun bill, signed by the governor, there is a pre-emption of local control in the carrying of weapons."</p>
NOTES:	<p>HB 2460 was analyzed in Part One of the May 11 <i>Daily Floor Report</i>.</p>